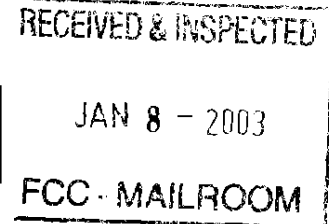


SCOTT W. REED, Attorney at Law/P.O. Box A/Coeur d'Alene, Idaho 83816/(208) 664-2161
FAX (208) 765-5117/E-mail: scottwreed@nidlink.com

FEDERAL EXPRESS

January 7, 2003



Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capital Heights, Maryland 20743

Re: WT Docket No. 02-179 Kootenai County
Coeur d'Alene Airport/Resort Aviation
Services, Inc.

Dear Ms. Dortch:

Enclosed for filing are the original and six copies of each of the following:

1. Memorandum of Resort Aviation Services, Inc. in Opposition to Motion to Suppress
2. Supplemental Certification on Excerpts from Depositions of Greg Delavan and Philip Cummings by Resort Aviation Services, Inc.

Yours truly,

Scott W. Reed

SWR\nlw

Enclosure

cc: John Cafferty
Dana Leavitt

No. of Copies 07 6
US AIR MAIL

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

In the Matter of Applications of)	WT DOCKET NO. 02-179
)	
RESORT AVIATION SERVICES, INC.)	
)	SUPPLEMENTAL
For Renewal of Aeronautical Advisory)	CERTIFICATION ON EXCERPTS
Station WYT9, Coeur d'Alene Airport,)	FROM DEPOSITIONS OF GREG
Hayden, Idaho)	DELAVAN AND PHILLIP CUMMINGS
)	BY RESORT AVIATION SERVICES, INC.
and)	
)	
KOOTENAI COUNTY COEUR)	
D'ALENE AIRPORT)	
)	
For a New Aeronautical Advisory)	
Station at Coeur d'Alene Airport,)	
Hayden, Idaho)	

Scott W. Reed, attorney for Resort Aviation Services, Inc., certifies
as follows:

On December 5, 2002, the depositions of Greg Delavan and Phillip
Cummings were taken. Certification on pages excerpted from these
depositions were submitted with a motion for summary decision under
date of December 20, 2002.

Attached hereto are the true and correct copies of cover pages,
the closing pages and the Reporter's Certificates from both depositions.

Dated this 7th day of January , 2003.

Scott W. Reed
Attorney for Resort Aviation
Services, Inc.
P. O. Box A
Coeur d'Alene, Idaho 83816
(208) 664-2161
Fax: (208) 765-5117

I hereby certify that a true and exact copy of the foregoing was
sent by Fax on January 7, 2003, to:

ADMINISTRATIVE LAW JUDGE
ARTHUR I. STEINBERG
FEDERAL COMMUNICATIONS
COMMISSION
445 12TH STREET, S.W., ROOM 1-C861
WASHINGTON, D.C. 20054
FAX (202) 418-0195

DANA LEAVITT
ATTORNEY AT LAW
INVESTIGATIONS AND HEARINGS DIVISION
FEDERAL COMMUNICATIONS COMMISSION
445 12TH STREET S. W. - ROOM 3-B443
WASHINGTON, D. C. 20554
FAX (202) 418-2644

and

JOHN CAFFERTY, ESQ.
KOOTENAI COUNTY DEPT. OF
LEGAL SERVICES
P. O. BOX 9000
COEUR D'ALENE, IDAHO 83816-9000
FAX (208) 664-5267

Page 101

(1) I mean, that's been the general procedure, has it?
 (2) A. Correct.
 (3) Q. And nobody from the Federal Government has
 (4) come and told you that's that's an improper thing to
 (5) do?
 (6) A. No. As a matter of fact, we have licenses
 (7) for the other frequencies as well. It's the one that
 (8) we don't have the license for currently is 122.8, and
 (9) we should.
 (10) Q. And if you got a license for 122.8 through
 (11) some means, other than the UNICOM, that would satisfy
 (12) your needs?
 (13) A. Not necessarily. I'm not prepared to jump to
 (14) that because I don't know what means other than the
 (15) UNICOM procedure there is to give that. So I don't
 (16) know where you're going with that one.
 (17) Q. No further questions.
 (18) (Signature Requested)
 (19) (Thereupon, the deposition concluded at 11:50 a.m.)
 (20)
 (21)
 1221
 1231
 1241
 1251

Page 102

(1) CERTIFICATE OF WITNESS
 (2) I, GREG DELAVAN, being first duly sworn,
 (3) depose and say:
 (4) That I am the witness named in the foregoing deposition
 (5) consisting of pages 1 through 101; that I have read
 (6) said deposition and know the contents thereof: that the
 (7) questions contained therein were propounded to me; and
 (8) that the answers therein contained are true and correct
 (9) except for any changes that I may have listed on the
 (10) Change Sheet attached hereto.
 (11) DATED this day of, 2002.
 (12)
 (13) GREG DELAVAN
 (14)
 1151
 (16) SUBSCRIBED AND SWORN to before me this day
 (17) of, 2002.
 (18)
 (19) Name of Notary
 1201
 (21) NOTARY PUBLIC FOR IDAHO
 1221
 (23) RESIDING AT
 1241
 1251 MY COMMISSION EXPIRES

Page 103

(1) REPORTER'S CERTIFICATE
 (2) I, DAVID E. HIX, Certified Shorthand
 (3) Reporter, do hereby certify:
 (4) That the foregoing proceedings were taken
 (5) before me at the time and place therein set forth. at
 (6) which time any witnesses were placed under oath:
 (7) That the testimony and all objections made
 (8) were recorded stenographically by me and were
 (9) thereafter transcribed by me or under my direction;
 (10) That the foregoing is a true and correct
 (11) record of testimony given, to the best of my ability:
 (12) That I am not a relative or employee of any
 (13) attorney or of any of the parties, nor am I financially
 (14) interested in the action.
 (15) IN WITNESS WHEREOF, I have hereunto set my
 (16) hand and seal this 13th day of December, 2002.
 171
 18) DAVID E. HIX, C.S.R. #1992
 19) 816 Sherman Avenue
 Suite 7
 20) Coeur d'Alene, ID 83814
 211
 221
 231
 241
 251

REPORTER'S CERTIFICATE

I, **DAVID E. HIX**, Certified Shorthand Reporter,
do hereby certify:

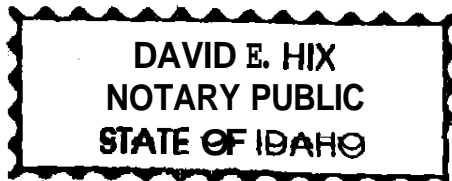
That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time any witnesses were placed under oath;

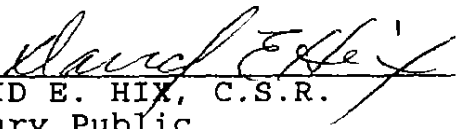
That the testimony and all objections made
were recorded stenographically by me and were
thereafter transcribed by me or under my direction;

That the foregoing is a true and correct
record of all testimony given, to the best of my
ability;

That I am not a relative or employee of any
attorney or of any of the parties, nor am I
financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my
hand and seal this 17th day of December,





DAVID E. HIX, C.S.R.
Notary Public
816 Sherman Ave., Suite 7
Coeur d'Alene, ID 83814

My Commission Expires January 16, 2008.

1 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

2 WASHINGTON, D.C. 20554

3 In the Matter of Applications of)

4 RESORT AVIATION SERVICES, INC.)

5 For Renewal of Aeronautical Advisory)

6 Station WYT9, Coeur d'Alene Airport,)
Hayden, Idaho)

7 and)

8 KOOTENAI COUNTY)

9 COEUR D'ALENE AIRPORT)

10 For a New Aeronautical Advisory)
Station at Coeur d'Alene, Airport)

11

12

13

14 DEPOSITION OF PHILLIP CUMMINGS

15 TAKEN ON BEHALF OF RESORT AVIATION SERVICES

16 AT COEUR D'ALENE, IDAHO

17 DECEMBER 5, 2002, AT 11:55 A.M.

18

19

20

21 REPORTED BY:

22 DAVID E. HIX, C.S.R.

23 Notary Public

24

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509-455-4515

(1) ramp. He's got his own equipment. you know. But you
 (2) see Mike out there in that little tiny tea spoon
 (3) truck. And that one that Resort has, and that large
 (4) ramp that they have, they can't keep it open half the
 (5) time with the type of clientele that Resort gets in. if
 (6) we didn't go out and help them that reflects on us.
 (7) So you can try and paint it any way you want.
 (8) It don't work that way. It wouldn't do us any good
 (9) to disadvantage Resort anyway. We make fuel flowage
 (10) off of - off of either one of them, so it doesn't pay
 (11) to play favorites.

(12) Q. On the tuel flowage issue, earlier we talked
 (13) about inspections that you did and you inspected the
 (14) fueling at Resort Aviation. How often do you do that?

(15) A. Generally, every three months.

(16) Q. And how often do you do inspections at
 (17) Heli-Prop?

(18) A. Every three months.

(19) Q. The same?

1201 A. Yes.

1211 Q. Do you draw any distinctions between the two
 (22) of them as far as the way you enforce regulations on
 1231 the airport?

(24) A. Between somebody selling the fuel and a
 (25) private fueler or between the two FBOs?

(1) Q. Just between those two FBOs.

(2) A. We've got the same hook for both of them.
 (3) AFPA 407. The standards are the same. In fact, the
 (4) standards are the same for everybody on the field.
 (5) Like Hagadon - even the little 300 gallon fuel tank
 (6) Action Aviation has, has been inspected once a year.
 (7) You know Panhandle Helicopter, it's all out of the same
 (8) book. But because these guys and Heli-Prop or
 (9) Southfield Fuel are selling fuel to the flying public.
 (10) Those are mandatory inspections every three months.

(11) Q. I have nothing further.

(12) MR. REED: I have no questions

(13) (Signature Requested)

(14) (Thereupon, the deposition was concluded at 1:10 p.m.)

(15)

(16)

(17)

1181

1191

(20)

1211

1221

(23)

(24)

(25)

(1) CERTIFICATE OF WITNESS

(2) I, PHILLIP CUMMINGS. being first duly sworn,
 (3) depose and say:

(4) That I am the witness named in the foregoing deposition
 (5) consisting of pages 1 through 50; that I have read said
 (6) deposition and know the contents thereof; that the
 (7) questions contained therein were propounded to me: and
 (8) that the answers therein contained are true and correct
 (9) except for any changes that I may have listed on the
 (10) Change Sheet attached hereto.
 (11) DATED this day of, 2002.

1121

(13) PHILLIP CUMMINGS

(14)

(15)

(16)

SUBSCRIBED AND SWORN to before me this day
 1171 Of, 2002.

(18)

19) Name of Notary

201

(21) NOTARY PUBLIC FOR IDAHO

221

231 RESIDING AT

241

25) MY COMMISSION EXPIRES

(1) REPORTER'S CERTIFICATE

(2) I, DAVID E. HIX, Certified Shorthand

(3) Reporter, do hereby certify:

(4) That the foregoing proceedings were taken
 (5) before me at the time and place therein set forth, at
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 (7) That the testimony and all objections made
 (8) were recorded stenographically by me and were
 (9) thereafter transcribed by me or under my direction:
 (10) That the foregoing is a true and correct
 (11) record of testimony given, to the best of my ability:
 (12) That I am not a relative or employee of any
 (13) attorney or of any of the parties. nor am I financially
 (14) interested in the action.

15) IN WITNESS WHEREOF, I have hereunto set my
 16) hand and seal this 13th day of December, 2002.

171

181

DAVID E. HIX, C.S.R. #1992

19) 816 Sherman Avenue

Suite 7

20) Coeur d'Alene, ID 83814

211

22)

23)

241

25)

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2008



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Notary Public
816 Sherman Ave., Suite 7
Coeur d'Alene, ID 83814

My Commission Expires January 16, 2008.

